

R E M A R K S

Reconsideration of the application in view of the amendments and following remarks is respectfully requested. Claims 13-19 have been newly added. Support for new claims 13-19 can be found throughout the specification, as one example, at page 27, lines 3-25. Therefore, claims 1-19 remain pending in the application.

Objection to the Title

Applicants have amended the Specification to provide a Title for the application that is more descriptive as requested. The new Title incorporates the language suggested by the Examiner to be:

ENTERTAINMENT SYSTEM, ENTERTAINMENT APPARATUS, RECORDING MEDIUM, AND PROGRAM PROVIDING COLOR CODED DISPLAY MESSAGES.

Applicants respectfully submit that the Title is now descriptive of the claimed invention and requests the objection be withdrawn.

Claim Rejections under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,434,604 to Harada et al. ("Harada et al."). Applicants respectfully traverse these rejections.

Applicants' independent claim 1 recites in part "words of a same type in meaning in said message are displayed in a same color." Independent claims 6, 7 and 12 have similar claim language. The Examiner has admitted that "Harada et al. fails to disclose words of a same type in same color." (Office Action, pg. 3). The Examiner suggests that it would have been obvious to modify Harada et al. to achieve the claimed invention, but the Examiner refers to no other references to support this conclusion.

Applicants respectfully disagree that the invention as claimed in claims 1, 6, 7 and 12 would be obvious in view of Harada et al. for several reasons. First, Applicants submit that the proposed modifications to Harada et al. would defeat the intended purpose of Harada et al. Namely, section 2143.01 of the MPEP states:

"If proposed modification would render the prior art invention being modified

unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)."

MPEP § 2143.01 Suggestion or Motivation To Modify the References.

It would defeat the intended purpose of Harada et al. to attempt to display words with the same meaning in a same color. This is because Harada et al. uses color to distinguish users' statements. Adding additional colors to words, as proposed by the Examiner, would introduce additional confusion to the reader. As such, a person of ordinary skill in the art would not make the proposed modifications.

In addition, Harada et al. is directed to a "Chat Room," which simply relays randomly typed-in information from a user. Harada et al. does not disclose any means in which its system could possibly determine a meaning or anticipate a user's meaning of a typed-in word. Therefore, the Examiner's proposed modification to Harada et al. would be complex, and the Examiner has not explained how the modification would be implemented.

Further, the Examiner fails to include evidence to support the obviousness of the rejections. The Federal Circuit has repeatedly demonstrated the need to "include evidence relevant to the finding of whether there is a teaching [or] motivation" as to the obviousness and knowledge of one skilled in the art. (In re Lee, 277 F.3d 1338, 61 U.S.P.Q.2d 1430 (Fed Cir. 2002)). In the rejections of claims 1-12, the Examiner has not referred to any other reference to combine with Harada et al. to show the "words of a same type" and "same color" limitations of Applicants' claims. Instead, the Examiner simply relies on the language of the Applicants' claims for support of obviousness, which is improper. Therefore, the rejections should be withdrawn because they do not fully demonstrate and provide evidence for the obviousness of the claimed invention in view of the cited references.

In view of at least the above remarks, Applicants submit that the rejection of independent claims 1, 6, 7 and 12 should be withdrawn. Furthermore, the rejection of claims 2-5 and 8-11 should be withdrawn by virtue of their dependence on their respective independent claims. Still further, newly added claims 13-19 depend from one of claims 1,

6, 7 and 12, and are also not obvious over Harada et al. for at least the reasons provided above.

Further with respect to claim 2, the Examiner refers to Harada et al. at col. 4, lines 3-19. Applicants submit that this language does not teach or suggest at least a "data unit indicating a word," a "display color code of said word," or of "said display color code indicating a display color of said word corresponding to a type of said word." (Claim 2).

With respect to claim 3, the Examiner further referenced Harada et al. at col. 4, lines 9-15. Applicants again submit that this language does not teach "display color code setting means for determining a type of a word" nor of "defining said undefined color code based on the determined type." (Claim 3).

Further with respect to claim 5, the Examiner referenced Harada et al. at col. 4, lines 20-30. Applicants submit that Harada et al. fails to teach or suggest at least a "message frame determining means for determining a display area . . . based on the number of characters in said message and display areas of main objects in a scene presently displayed." (Claim 5).

Claims 8, 9 and 11 are also rejected as obvious over Harada et al. However, claims 8, 9 and 11 depend from claim 7, which has been shown above to be nonobvious over Harada et al. Further, claims 8, 9 and 11 have claim language similar to claims 2, 3 and 5, respectively. As such, similar arguments can be presented demonstrating that claims 8, 9 and 11 are not obvious in light of Harada et al.

With respect to newly added claims 13-19, Applicants submit that Harada et al. does not teach or suggest at least displaying a color of a word depending on whether a predefined action has taken place or even has occurred. Therefore, claims 13-19 are not obvious in view of Harada et al.

Application No.: 09/653,286
Amendment

Fees Believed to be Due

A Fee Transmittal is included herewith to cover the fee for a one month Petition for Extension of Time to response.

Version with Markings

A version with markings to show changes made begins on the following page.

C O N C L U S I O N

In view of the above, Applicants submits that the pending claims are in condition for allowance. Should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Richard E. Wawrzyniak at (858)552-1311 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,

Dated

03/04/03


Steven M. Freeland
Reg. No. 42,555

Address all correspondence to:

Richard E. Wawrzyniak, Esq.
FITCH, EVEN, TABIN & FLANNERY
120 So. LaSalle Street, Suite 1600
Chicago, Illinois 60603
Customer No. 22242
Telephone No.: (858) 552-1311
Facsimile No.: (858) 552-0095

Application No.: 09/653,286
Amendment

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Specification:

Please replace the Title at page 1, lines 1-2 of the specification with the following title:

ENTERTAINMENT SYSTEM, ENTERTAINMENT APPARATUS, RECORDING MEDIUM, AND PROGRAM PROVIDING COLOR CODED DISPLAY MESSAGES .

In the Claims:

Please ADD new claims 13-19.